

CERTIFIED TRUE COPY

FRED DEVESA
ATTORNEY GENERAL OF NEW JERSEY

By: Linda S. Ershow-Levenberg
Deputy Attorney General
Division of Law - 5th fl.
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FILED
NOV 29 1993

IRWIN I. KIMMELMAN
J.S.C.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION - HUDSON COUNTY
DOCKET NO. C-61-93

ROBERT J. DEL TUFO, Attorney
General of the State New Jersey
and NEW JERSEY BOARD OF
DENTISTRY,

Plaintiff,

vs.

GUILLERMO TERAN,

Defendant.

Civil Action

CONSENT ORDER FOR JUDGMENT

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION - HUDSON COUNTY
DOCKET NO. C-122-93

IN THE MATTER OF

GUILLERMO TERAN,

CHARGED WITH CONTEMPT
OF COURT

CONTEMPT ACTION

CONSENT ORDER FOR JUDGMENT

This matter was opened to the Court by the Attorney General of New Jersey (Linda S. Ershow-Levenberg, Deputy Attorney General, appearing) pursuant to N.J.S.A. 45:1-23 and R. 4:52-1 for an Order permanently enjoining defendant from engaging in the unlicensed practice of dentistry in the State of New Jersey and for costs and penalties pursuant to N.J.S.A. 45:1-25. A

preliminary order entering Temporary Restraints and authorizing the impoundment of evidence of unlawful dental practice was entered by the court ex parte on April 19, 1993. Following service of the Order, defendant did not file an answer to the Verified Complaint. On May 7, the return date of the Order to Show Cause, defendant failed to appear. An Order of Interlocutory Restraint was entered and the matter was carried. On July 30, the Attorney General filed an application to have defendant held in contempt of court for alleged violation of an injunction against unlicensed dental practice entered with defendant's consent by the Superior Court in Bergen County in 1971. The two cases were consolidated for the hearing, which was scheduled for October 28, 1993.

The Attorney General's motion to amend the Verified Complaint to alleged N.J.S.A. 45:1-25 as the basis for awarding costs and civil penalties was granted.

Defendant admits that all of the allegations of the Amended Verified Complaint (Docket no. C-61-93) are true, and that he engaged in the unlicensed practice of dentistry with respect to "Nelson DelGado" on February 1, 1993. Defendant admits that he knew of the entry of the court-ordered injunction against his unlicensed practice of dentistry on June 2, 1971 by the Honorable Eugene P. Lora, J.S.C. Defendant admits that he has maintained an office for the practice of dentistry first in Bogota, New Jersey and then at 2647 Kennedy Boulevard, North Bergen, New Jersey. Defendant admits that he has engaged in the practice of dentistry in New Jersey without a license. Defendant further admits that he has been in contempt of the court order dated June 2, 1971.

Defendant admits that all of the allegations of the Petition to Institute Contempt Proceedings (Docket no. C-122-93) are true.

It appearing that the parties have come to a mutually acceptable settlement of the issues in both matters, and for good cause shown,

It is therefore, on this *24th* day of *November*, 1993,

1. ORDERED that Guillermo Teran is permanently enjoined from engaging in or offering to engage in the practice of dentistry in the State of New Jersey until he obtains a valid license to do so, and it is further

2. ORDERED that defendant shall no longer bring into his apartment, or into any residence or office space occupied and used by him in this State, instruments and equipment for the practice of dentistry, and it is further

3. ORDERED that the Division of Consumer Affairs, Enforcement Bureau, is hereby authorized to sell at public auction, or to sell in any other reasonable manner, the dental equipment and items confiscated in the impoundment of April 20, 1993 (as set forth in the inventory previously submitted to the court), and to apply the proceeds thereof to satisfy the judgment in this matter. If in the judgment of the Division of Consumer Affairs said sale shall not be feasible, the Division is hereby authorized to dispose of the impounded items in such manner as it determines to be appropriate, and it is further

4. ORDERED that any dental records impounded which relate to patient identity and patient treatment shall not be deemed a public record and shall be kept confidential, and it is further

5. ORDERED that the Division of Consumer Affairs,

Enforcement Bureau, if it deems such action to be feasible, is authorized to contact by regular mail or in any other manner including by legal notice or press release to the local newspapers, each dental patient for whom addresses are on record, to inform them that their patient record will be available in the Enforcement Bureau office for thirty days following the date of notification, for the patient to retrieve, and it is further

6. ORDERED that if upon notification, the patient has not requested the dental records within the allotted time, the Enforcement Bureau is hereby authorized to destroy the records in an appropriate manner, and it is further

7. ORDERED that agents of the Attorney General are authorized to inspect the premises at 2647 Kennedy Boulevard, North Bergen, New Jersey or such other premises occupied by defendant, at unannounced times during regular business hours, to ascertain whether defendant is complying with the terms of this Order. Evidence of violation of the terms of this Order shall constitute grounds for the Attorney General to initiate application to the Court for such sanctions as may be permitted by law, and it is further

8. ORDERED that for contempt of court, defendant shall serve six months in prison, all of which shall be suspended, and it is further

9. ORDERED that pursuant to N.J.S.A. 45:1-25, defendant shall pay costs of the state's investigation and prosecution of this matter in an amount not to exceed \$7,500, which amount shall be set forth in an affidavit submitted to defendant and the Court by the Attorney General, said amount to be paid within 30 days of

the filing date of this Order by certified check or attorney's trust account check payable to the State of New Jersey, and it is further



10. ORDERED that pursuant to N.J.S.A. 45:1-25, defendant shall pay civil penalties in the amount of \$4,000, said amount to be paid within 30 days of the filing date of this Order by certified check or attorney's trust account check payable to the State of New Jersey, and it is further

11. ORDERED that defendant shall pay a fine of \$1,000 for contempt of court, said amount to be paid within 30 days of the filing date of this Order by certified check or attorney's trust account check payable to the State of New Jersey.



Hon. Irwin I. Kimmelman, J.S.C.

CONSENTED TO AS TO FORM AND ENTRY:


GUILLERMO TERAN
RAMON M. GONZALEZ, ESQ.
Counsel for Defendant
FRED DEVESA, ATTORNEY GENERAL
BY: LINDA S. ERSHOW-LEVENBERG
DEPUTY ATTORNEY GENERAL
Counsel for Plaintiffs

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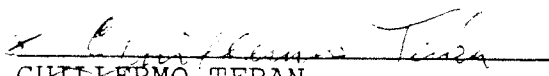
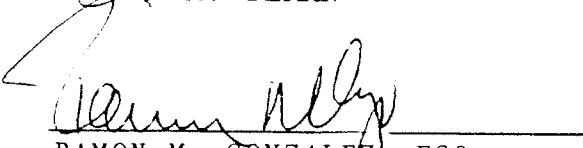
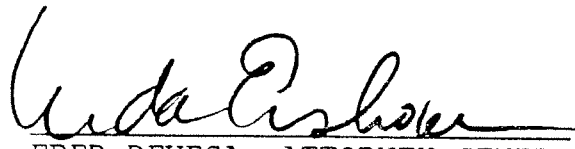
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Counsel for Defendant
FRED DEVESA, ATTORNEY GENERAL
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DEPUTY ATTORNEY GENERAL
Counsel for Plaintiffs